

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CLERK'S OFFICE

NOTICE OF FILING

DOCKET NOS. 2010-325-C, 1999-323-C, 2000-265-C AND 2001-21-C

Birch Communications, Inc. ("Birch Communications" or "Purchaser"); Birch Telecom of the South, Inc., d/b/a Birch Communications ("Birch Telecom") (collectively the "Company"); and American Fiber Network, Inc. ("AFN" or "Seller") (Birch Communications, Birch Telecom and AFN collectively, the "Joint Applicants") have jointly filed an Application with the Public Service Commission of South Carolina ("Commission") for authority to transfer Seller's telecommunications assets and South Carolina customer base to the Company. This request is made pursuant to S.C. Code Ann. §§ 58-9-280, 58-9-300 and 58-9-310. The assets to be purchased include customer accounts, accounts receivable, customer agreements and contracts, vendor agreements and contracts, and intellectual property. According to the Joint Application, the proposed Transaction will be transparent to customers and will not have a negative impact on the public interest, services to South Carolina customers, or competition.

A copy of the Application is on file in the offices of the Commission, 101 Executive Center Drive, Columbia, South Carolina 29210 and on the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) under Docket Number(s) 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. A copy of the Application is also available from Bonnie D. Shealy, Esquire, Robinson, McFadden & Moore, PC, P.O. Box 944, Columbia, SC 29202.

A public hearing, if scheduled, will be held in Columbia, South Carolina, in the offices of the Commission at the above address, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before **October 28, 2010**, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. *Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.*

Any person who wishes to testify and present evidence at the hearing should notify the Clerk's Office, in writing, at the address below, the Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, and Bonnie D. Shealy, Esquire, at the above address, on or before **October 28, 2010**, and indicate the amount of time required for his presentation. *Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.*

Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Clerk's Office, in writing, at the address below on or before **October 28, 2010**. *Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.*

**PLEASE TAKE NOTICE:** Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100.

Public Service Commission of South Carolina  
Attn: Clerk's Office  
Post Office Drawer 11649  
Columbia, South Carolina 29211

9/27/10